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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 G&G Closed Circuit Events LLC,

10 Plaintiff,

11 v.

12 Michael Alan Quihui Carranza, et al.,

13 Defendants.  
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No. CV-22-00771-PHX-DLR

**ORDER**

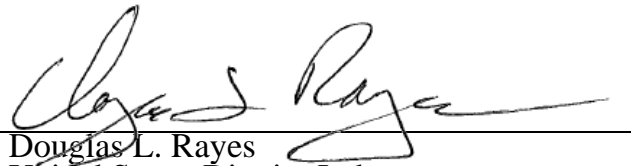
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16 At issue is Plaintiff's motion to strike Defendants' affirmative defenses. (Doc. 16.)  
17 Defendants failed to respond to the motion and the time to do so has passed. Pursuant to  
18 Local Rule of Civil Procedure 7.2(i), the Court deems Defendants' failure to respond as a  
19 consent to granting the motion.

20 The merits of Plaintiff's motion also are well-taken. On the same day Plaintiff filed  
21 its motion to strike, the Court issued an order "encourag[ing] the parties to review *Martinez*  
22 *v. Alltran Financial LP*, 2019 WL 1777300 (D. Ariz. Apr. 23, 2019), particularly the  
23 Court's discussion of what is and what is not an affirmative defense, and then to confer on  
24 whether the motion can be obviated through an amended answer as opposed to further  
25 briefing on the motion to strike." (Doc. 18.) As the Court explained in *Martinez*, "[a]  
26 defense which demonstrates that plaintiff has not met its burden of proof is not an  
27 affirmative defense. Such a defense is merely rebuttal against the evidence presented by  
28 the plaintiff. In contrast, an affirmative defense within the meaning of Rule 8(c) is one that

1 precludes liability even if the plaintiff proves all the elements of his claim. It is a defense  
2 on which the defendant has the burden of proof.” 2019 WL 1777300, at \*2 (internal  
3 quotations and citations omitted). Defendants’ so-called affirmative defenses obviously  
4 do not meet this definition. Indeed, many aren’t even negative defenses.

5 **IT IS ORDERED** that Plaintiff’s motion to strike (Doc. 16) is **GRANTED**.

6 Dated this 19th day of August, 2022.

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11 Douglas L. Rayes  
12 United States District Judge  
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